



Texas Department  
*of* Motor Vehicles

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**82<sup>nd</sup> Legislative Session – 2011**  
**Title Related Bills**

November 16, 2011

# Title Related Bills

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**HB 2017** – ID Requirement

**HB 2357** – Motor Vehicle Bill (aka Vision 21 Bill)

**HB 890** – Custom Vehicle and Street Rod

**HB 1422** – Titles for vehicles subject to insurance claims

# HB 1376 – Definition of a Junked Vehicle

Effective Date: September 1, 2011

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- ❑ Changes definition of junked vehicle for purposes of abating a public nuisance by municipality or county

- ❑ Includes any vehicle without:
  - a license plate; or
  - vehicle inspection certificate; or
  - an expired license plate; or
  - vehicle inspection certificate



- ❑ HB 787 includes aircraft and watercraft, this definition does not include them

# HB 2575 – Electronic Lien System

**Effective Date: September 1, 2011**

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- ❑ TxDMV may establish lienholder categories  
Exempts those with less than 100 transactions
- ❑ TxDMV Board has authority to develop schedule to implement lienholder requirements
- ❑ Not mandatory

# HB 268 – Motor Vehicle Sales Tax Exemptions

Effective Date: January 1, 2012

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- ❑ Exempt if:
  - timber & items used in or on a farm, ranch, timber operation, or
  - agricultural aircraft operation
  
- ❑ To claim:
  - obtain registration number from the CPA
  - renew every 4 years



Note: Write in field 21 on Form 130-U, estimate RTS programmed spring 2012

# SB 267 – Motor Vehicle Gift Tax

Effective Date: Immediately (June 17, 2011)

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- ❑ Donor or recipient must submit:
  - notarized Affidavit of Motor Vehicle Gift Transfer in person with a current government-issued photo identification
  
- ❑ No exceptions, including:
  - motor vehicle title services;
  - family members;
  - military members



# SB 690 – Enforcement of Self-service Storage Facility Lien

Effective Date: January 1, 2012

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- ❑ Adds verified mail and e-mail
- ❑ Provides for Service members Civil Relief Act
- ❑ No longer subject to Property Code Chapter 70
- ❑ Changes 1st notification to on or before 14th day



# SB 266 – Mechanic Liens

Effective Date: September 1, 2011

- ❑ Requires mechanic to notify your office regardless of the date vehicle left for repairs
- ❑ \$25 administrative fee required
- ❑ County now has 15 business days to send their notification



## Mechanic's Lien Foreclosure

INSTRUCTIONS ON PAGE 2

VTR-265-M  
(Rev. 08/11)  
Page 1 of 2

### A. GENERAL INFORMATION

YEAR	MAKE	BODY STYLE	MODEL
VEHICLE IDENTIFICATION NUMBER			
LICENSE PLATE NUMBER	YEAR OF LICENSE	STATE OF ISSUANCE	EXPIRATION
PRINT NAME OF PERSON THAT LEFT VEHICLE FOR REPAIRS		COMPLETE ADDRESS OF PERSON THAT LEFT VEHICLE FOR REPAIRS	

### B. MECHANIC'S LIEN INFORMATION

1. DATE VEHICLE LEFT FOR REPAIRS	2. STATE THE DATE REPAIRS WERE COMPLETED AND ATTACH A COPY OF THE SIGNED WORK ORDER
3. CHARGES FOR PARTS AND LABOR	NOTE: A signed work order must be submitted. If a signed work order is not available then ownership must be obtained through a court order.
4. STORAGE CHARGES	NOTE: The Form VTR-265-S must also be completed if the foreclosure includes storage charges. Additionally, a second notice will be required.

### C. FORECLOSURE INFORMATION

DATE	Date the owner(s) and lienholder(s), if any, were notified by certified mail of the charges. Notice must be given no later than thirty (30) days after the date which charges accrued and the charges are unpaid. Attach a validated (date stamped) receipt from the U.S. Post Office or other certified mail carrier.
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# HB 890 – Custom Vehicle / Street Rod

**Effective Date: September 1, 2011**

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- ❑ Two new vehicle definitions:
  - custom vehicle after 1948, and
  - street rod before 1949
  
- ❑ Requires:
  - new TxDMV inspection
  - two new specialty license plates; and
  - Administrative Rules



# HB 890 – Custom Vehicle / Street Rod

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- ❑ American Service Excellence (ASE) certified technician completes secure VTR form
- ❑ Completed form required to obtain specialty plates
- ❑ Revises “Assembled” vehicle titling procedures



# HB 1422 – Insurance Company Title Applications

Effective Date: September 1, 2011

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- If a vehicle loss claim is paid, the Insurance Company may apply for:
  - original Certificate of Title; or
  - Salvage Vehicle Title; or
  - Nonrepairable Vehicle Title without the previous title

# HB 1422 – Insurance Company Title Applications


Effective Date: September 1, 2011

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- Insurance Company must submit:
  - completed new secure Form VTR-331-A, *Insurance Company Statement of Fact*
  - evidence of payment claim
  - VTR-221 (if previously from O/S)
  - VTR-131 – Title Only
  - form 130-U Application for Texas Certificate of Title



# Form VTR-331 Insurance Company Statement of Fact

 VTR-331-A (09/11)		<b>Insurance Company Statement of Fact</b> This application may not be used for any vehicle claim paid prior to September 1, 2011 <b>PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS APPLICATION.</b> (Instructions are on reverse side)		00000000	
This application must be submitted to the county tax office with an application for an original Texas Vehicle Title <b>without registration</b> to:					
1) county tax office where the insurance company (title applicant) is located; 2) county tax office where the previous owner (seller) resided; or 3) county tax office where the lienholder (if applicable) is located.					
<b>APPLICANT INFORMATION – Type or print only</b>					
Name of Insurance Company			Phone		
Address		City	State	ZIP	
Ins Co. Representative Name		Claim Payment Date			
E-mail (optional)					
<b>VEHICLE INFORMATION</b>					
Vehicle Identification Number		Year Model	Make	Body Style	Color
Previous Title Number		Previous Title State		License Plate Number	
<b>Check applicable box:</b>					
<input type="checkbox"/> License plates and registration sticker for this motor vehicle are being surrendered, in accordance with Transportation Code §501.0275. The registration for this vehicle is not currently suspended or revoked.					
<input type="checkbox"/> This vehicle has no license plates and/or registration.					
<b>INSURANCE COMPANY STATEMENT</b>					
I certify that I am an authorized representative of the above named insurance company; that a loss claim was paid and accepted for this vehicle that does not meet the definition of salvage or nonrepairable; and that two separate written notices were sent to the owner requesting surrender or proper assignment of the original vehicle title. The statements on this application for the above described vehicle are true and correct, to the best of my knowledge.					
Printed Name of Representative _____ Signature _____ Date _____					
<b>WARNING: State law makes falsifying information on this application a third-degree felony offense punishable by not more than ten (10) years in prison or not more than one (1) year in a community correctional facility. In addition to imprisonment, a fine of up to \$10,000 may also be imposed.</b>					

# HB 1422 - Salvage Pool Operator Title

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- ❑ If an insurance company requests a Salvage Pool Operator (SPO) take possession of a vehicle, then later:
  - denies the loss claim payment, or
  - does not take ownership of the vehicle,
- ❑ The SPO may apply for a:
  - Salvage Vehicle Title; or
  - Nonrepairable Vehicle Title
- ❑ The SPO must submit:
  - VTR-331 and VTR-441
  - certified mail receipts
- ❑ When sold at auction:
  - SPO not allowed to charge towing or storage fees
  - any excess proceeds paid to prior owner or lienholder



# HB – 1422 Insurance Company & Salvage Pool Operator

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- ❑ What is not required?
  - previous ownership evidence
  - certified mail receipts
  
- ❑ Where do they apply?
  - original Certificate of title - county tax office
  - salvage or nonrepairable title – TxDMV HQ
  
- ❑ What fees cannot be charged?
  - storage
  - towing
  - impoundment

# HB 2357 – Motor Vehicle Bill

( aka Vision 21 Bill)

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- ❑ All title changes effective January 1, 2012
- ❑ Reorganizes motor vehicle statutes: Transportation Code Chapters 501, 502, 504, and 520
- ❑ Standardizes definitions
- ❑ Electronic processing





# HB 2357 – Motor Vehicle Bill

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- ❑ Phrase “Certificate of Title” changed to “Title”
- ❑ New car sale title revocation process
- ❑ Same Identification rules as HB 2017
- ❑ Board may establish appraisal process and fee for bonded title requests at any one of the Regional Service Centers

# HB 2017 – TXDMV Bill

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- ❑ Photo ID required with all title & registration transactions
- ❑ Changes the organization, governance, duties & functions of the TxDMV
- ❑ Allows processing at the nearest unaffected county during disaster



# HB 2017 – ID Requirement

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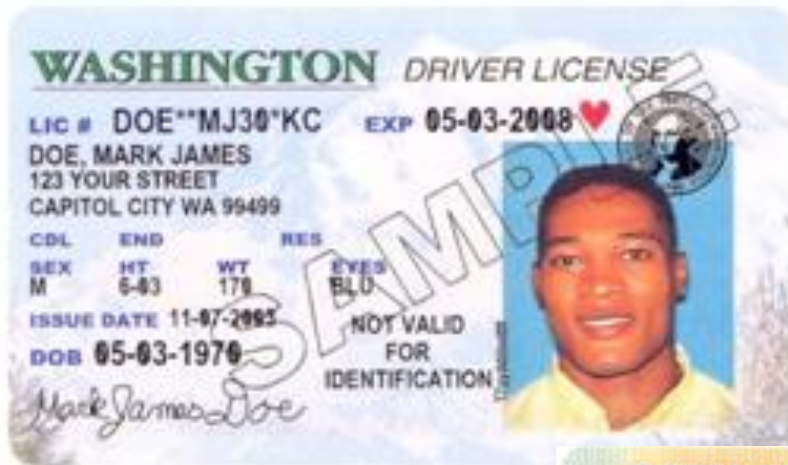
- Effective September 1, 2011
- Administrative Rules required
- Anticipate rules to be finalized in December
- Acceptable Current Photo Identification

Such as...

# HB 2017 – ID Requirement

## Acceptable Current Photo Identification:

- ❑ Driver License or Identification Card issued by any state or United States territory





# HB 2017 – ID Requirement

## Acceptable Current Photo Identification:

### ▣ United States or Foreign Passport



# HB 2017 – ID Requirement

## Acceptable Current Photo Identification:

- United States Military ID Card





# HB 2017 – ID Requirement

## Acceptable Current Photo Identification:

- US Department of Homeland Security, or US Citizenship & Immigration Services



# HB 2017 – ID Requirement

## Unacceptable Identification:

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- ☒ Workplace badge ID
- ☒ Other non-photo ID





# HB 2017 – ID Requirement

## Unacceptable Identification:

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- ☒ University or school photo ID

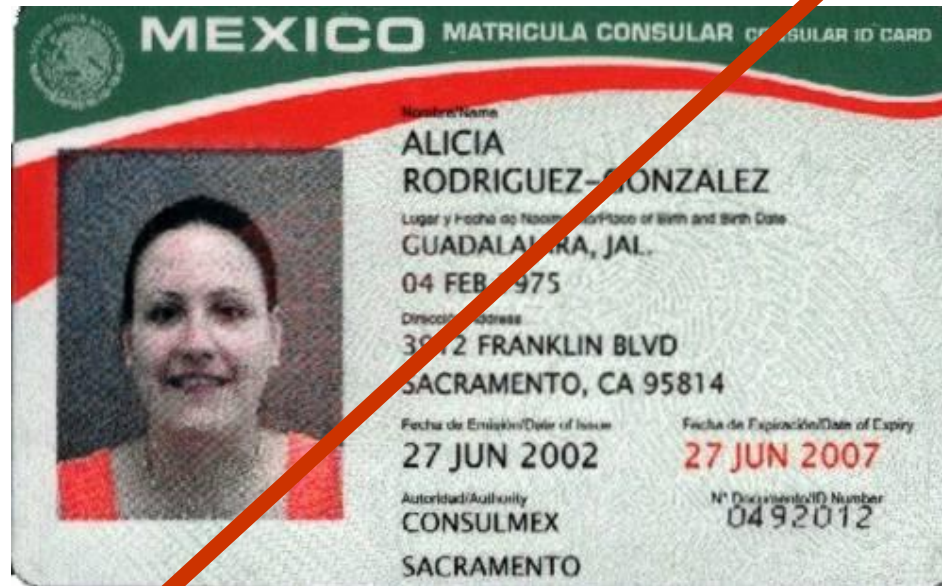


# HB 2017 – ID Requirement

## Unacceptable Identification:

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### ☒ Matricula



# HB 2017 – ID Requirements

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- ❑ Titled in business name
  - employee business card or ID
  - company letterhead providing authority
  - power of Attorney
  
- ❑ Titled in Trust
  - Trustee ID
  
- ❑ Titled in leasing company
  - lessor employee that meets business ID requirement; or
  - lessee if shown on title application or lease agreement may be shown



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Questions?



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Thanks for your attention!